

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 2421

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2421 with committee amendments.

This bill would prohibit a common interest community, such as a condominium or homeowners' association, from adopting or enforcing rules that prohibit the installation or use of electric vehicle (EV) charging stations in a designated parking space. Further, under the bill, any restriction in a deed or other instrument affecting the transfer or sale of an interest in a common interest community, and any provision of a governing document that prohibits or unreasonably restricts the installation or use of an EV charging station in a designated parking space, would be void and unenforceable.

The bill would allow a common interest community to impose reasonable restrictions on EV charging stations, meaning restrictions that do not significantly increase the cost of an EV charging station or significantly decrease its efficiency or specified performance. The bill would allow an association charged with managing the common elements of a common interest community to approve a proposed EV charging station in the same manner as it approves an architectural modification. The bill protects against avoidance or delay of an application for an EV charging station by providing that if an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless the delay is due to a reasonable request for additional information.

The bill would also authorize the executive board of a common interest community to grant exclusive or limited use of a portion of a common element to an individual unit owner, despite the existence of any contrary provisions in the association's governing documents, to allow the owner to: install and use an EV charging station in the owner's designated parking space, if the installation or use of the charging station requires reasonable access through, or across, the common elements for utility lines or meters; or install and use an EV charging station through a license granted by the association. Under the bill, if it is impossible or unreasonably expensive to install an EV charging station in an owner's designated parking space, an association may allow the owner to install an EV charging station for

the exclusive use of the owner in a common element by entering into a license agreement with the owner.

The bill sets forth various requirements that apply if an EV charging station is being placed in a common element or a limited common element of a common interest community. Among these requirements, an owner seeking approval from an association to install an EV charging station must:

- (1) comply with the association's architectural standards for the installation of the charging station;
- (2) engage a licensed contractor to install the charging station;
- (3) name the association as an additional insured under the owner's insurance policy; and
- (4) agree to pay for the electricity usage associated with the charging station.

The bill also allows an association to install an EV charging station in a common element for the use of all members of the association, and develop appropriate terms of use for the charging station.

Finally, the bill provides that an association that willfully violates the bill's provisions would be liable to the unit owner or other party seeking authorization to install or use an EV charging station for actual damages, and be required to pay a civil penalty to the unit owner or other party in an amount not to exceed \$1,000. In any action to enforce compliance with this bill, the prevailing unit owner or other party seeking authorization to install or use an EV charging station would be awarded reasonable attorney's fees.

The committee amendment provides that, for the purposes of the bill, an electric vehicle charging station must provide, at a minimum, Level 2 charging.